

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|-------------------------|---|-----------------|
| MICHAEL ANDERSON PEEK, |) | |
| |) | |
| <i>Petitioner,</i> |) | |
| v. |) | 3:04-cv-496 |
| |) | <i>Phillips</i> |
| |) | |
| HOWARD CARLTON, Warden, |) | |
| |) | |
| <i>Respondent.</i> |) | |

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court further **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

ENTER:

s/ Thomas W. Phillips
United States District Judge

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT